

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

JOY MILLER SWONKE

v.

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY

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CIVIL ACTION NO. G-02-460

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge entered on June 23, 2005, to which neither party has filed Objections despite having been given ample time to do so.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Magistrate Judge' s Report and Recommendation should be **ACCEPTED** in its entirety. Accordingly, Plaintiff' s Motion for Summary Judgment (Instrument No. 18) is **GRANTED IN PART**; Defendant' s Motion for Summary Judgment (Instrument No. 22) is **DENIED IN PART**; and this action is hereby **REMANDED** to the Social Security Administration for further proceedings pursuant to 42 U.S.C. § 405(g).

DONE at Galveston, Texas this 21st day of July, 2005.


Samuel B. Kent
United States District Judge